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AF**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

I hereby certify that this transmittal of the below described document is being deposited with the United States Postal Service in an envelope bearing First Class Postage and addressed to the Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450, on the below date of deposit.

Date of Deposit:	08/14/06	Name of Person Making the Deposit:	Julie Williams	Signature of the Person Making the Deposit:	<i>Julie Williams</i>
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In re Application of: Gina C. Eubanks

Application No.: 09/661,578

Examiner: Dinh, K.

Filed: 09/14/00

Art Unit: 2151

Confirmation No.: 9174

For: INTERNET STRAWMAN AND USER INTERFACE THEREFOR

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REPLY BRIEF TRANSMITTAL**

1. Transmitted herewith is an amendment for this application

☒ Transmitted herewith is a response to an office action for the above identified patent application.  
( 3 sheets)  
Transmitted herewith are \_\_\_\_\_ sheets of substitute formal drawings.  
Other: \_\_\_\_\_

2. Applicant is other than a small entity

**Extension of Term**

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

(a) [ ] Applicant petitions for an extension of time under 37 C.F.R. 1.136  
(fees: 37 C.F.R. 1.17(a)-(d) for the total number of months checked below:)

Extension	Fee
[ ] one month	\$120.00
[ ] two months	\$450.00
[ ] three months	\$1,020.00
[ ] four months	\$1,590.00
[ ] five months	\$2,160.00
	<b>Fee \$</b> _____

If an additional extension of time is required, please consider this a petition therefor.

(b) [ X ] Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

**Fee Calculation**

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

<b>(for other than a small entity)</b>					
Fee Items	Claims Remaining After Amendment	Highest Number of Claims Previously Paid For	Present Extra Claims	Fee Rate	Total
Total Claims	30	- 30 =	0	x \$50.00	\$0.00
Independent Claims	3	- 3 =	0	x \$200.00	\$0.00
Multiple Dependent Claim Fee (one or more, first added by this amendment)				\$360.00	\$0.00
<b>Total Fees</b>					<b>\$0.00</b>

**PAYMENT OF FEES**

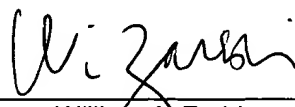
5. The full fee due in connection with this communication is provided as follows:
- [ X ] The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No.: 23-0085.  
A duplicate copy of this authorization is enclosed.
- [ ] A check in the amount of \$
- [ ] Charge any fees required or credit any overpayments associated with this filing to Deposit Account No.: 23-0085.

Please direct all correspondence concerning the above-identified application to the following address:

**WAGNER, MURABITO & HAO LLP**  
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Respectfully submitted,

Date: 8/14/06

By:   
William A. Zarbis  
Reg. No. 46,120



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appellant:	Eubanks, G.	Patent Application
Application No.:	09/661,578	Art Unit: 2151
Filing Date:	September 14, 2000	Examiner: Dinh, K.
For:	INTERNET STRAWMAN AND USER INTERFACE THEREFOR	

Reply Brief

In response to the Examiner's Answer mailed on June 12, 2006, Appellant respectfully submits the following remarks.

## REMARKS

The Appellant is submitting the following remarks in response to the Examiner's Answer. In these remarks, the Appellant is addressing certain arguments presented in the Examiner's Answer. While only certain arguments are addressed in this Reply Brief, this should not be construed that the Appellant agrees with the other arguments presented in the Examiner's Answer. ,

Appellant objects to the statement on page 7 of the Examiner's Answer, to the effect that Appellant's arguments address only one reference and not the combination of the two cited references (Herman and Philyaw). For each claim limitation at issue, Appellant argues in the Appeal Brief that the claim limitation is not shown or suggested in the first of the two references, that the same claim limitation is not shown or suggested in the second of the two references, and that the same claim limitation is not shown or suggested in the combination of the two references.

Regarding the limitation "said intermediary conducting said transaction with said vendor ... utilizing information about said intermediary" recited in Claims 1, 11 and 21, Appellant first addresses the Herman reference, starting on page 4 the Appeal Brief, because the Herman reference is relied upon as teaching this limitation. However, on page 6 of the Appeal Brief, this limitation is discussed considering the Philyaw reference in combination with the Herman reference.

Regarding the limitation "without disclosing said personal information about said subscriber to said vendor" also recited in Claims 1, 11 and 21, the Examiner admits that this limitation is not taught by Herman. On page 6 of the Appeal Brief, this limitation is discussed considering the Philyaw reference in combination with the Herman reference.

Thus, the rejection of each these limitations is refuted in the Appeal Brief considering the combination of the Herman and Philyaw references.

In light of the above remarks as well as the arguments presented in the Appeal Brief, Appellant respectfully asserts that either or both of these limitations are patentably distinct over the cited prior art references and that a rejection of Claims 1-30 under 35 U.S.C. § 103(a) should not be sustained.

Respectfully submitted,

WAGNER, MURABITO & HAO LLP



Date: 8/14, 2006

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